

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2001-228-T

IN RE: Revised Petition of the Office of Regulatory Staff)	REVISED
To Revoke the Class C Charter Bus Certificate of)	PETITION FOR RULE TO
Unusual Tours, Inc.)	SHOW CAUSE

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 *et seq.* (Supp. 2007); that the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, *et seq.* (Supp. 2007).

2. That Unusual Tours, Inc. (hereinafter “Unusual”) is the named holder of a Class C Charter Bus Certificate which authorizes Unusual to operate as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That Unusual is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-10 *et seq.*; further, that Unusual has submitted itself to the jurisdiction of the Commission by holding a Class C Charter Bus Certificate as indicated in Attachment A. *See* Attachment A, Class C

Charter Bus Certificate issued by the Commission to Unusual on May 30, 2001 in Docket No. 2001-228-T.

4. That Unusual, in being granted its Certificate, was found to meet the insurance requirements of the Commission and the safety requirements of the South Carolina Department of Public Safety. [26 S.C. Code Regs. 103-133(5) (Supp. 2007)].

5. That 26 S.C. Code Regs. 103-164 (Supp. 2007) allows the Commission to approve a suspension of operations authorized by a duly issued Certificate upon written application of a carrier, provided that the carrier states clearly and concisely the justification for the proposed suspension of service.

6. That subsequent to receiving its Certificate, Unusual requested and received approval to suspend its operating authority as permitted by 26 S.C. Code Regs. 103-164 (Supp. 2007) by Order No. 2006-542 issued on September 27, 2006 granting suspension until August 28, 2008.

7. That the suspension period until August 28, 2008 has expired.

8. That Unusual has taken no affirmative steps to reinstate its Certificate. *See* Attachment B, Affidavit of Carole Chauvin.

9. That pursuant to 26 S.C. Code Regs. 103-825 (S.C. Reg. Vol. 31, Issue 4, April 27, 2007), ORS submits this Petition for a Rule to Show Cause to revoke the Certificate of Unusual Tours, Inc. for reasons set forth below. 26 S.C. Code Regs. 103-825 (S.C. Reg. Vol. 31, Issue 4, April 27, 2007) provides that “[p]etitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority” and “[p]etitions which may be filed include ... [a] Petition for a Rule to Show Cause.”

10. That pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2007):

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the

motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

11. That "the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter." S.C. Code Ann. §58-23-320 (Supp. 2007).

12. That ORS accordingly requests that Unusual have its Certificate revoked for failure to seek reinstatement of the operating authority under its respective Certificate and for failure to act in conformity with the spirit and purpose of the law;

WHEREFORE, ORS prays that the Honorable Commission:

1. Issue an order requiring Unusual to appear before the Commission, and show cause why an order should not be issued by the Commission revoking the Certificate issued to Unusual for failure to seek reinstatement of the operating authority under its Class C Charter Bus Certificate and for failure to act in conformity with the spirit and purpose of the law under which the Certificate was granted;

2. Provide the opportunity for Unusual to answer the allegations of this Petition within thirty (30) days from the date of receipt of the order issuing the Rule to Show Cause;

3. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate which ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2007) and S.C. Code Ann. §58-23-320 (Supp. 2007).

4. Pursuant to 26 S.C. Code Regs 103-846(C) (S.C. Reg. Vol. 31, Issue 4, April 27, 2007), take judicial notice of the Commission's records that Unusual has not sought reinstatement of its operating authority under its Certificate and has not requested an extension of the suspension previously authorized by the Commission;

5. For such other appropriate action which the Commission may deem necessary.

Shealy Boland Reibold
Shealy Boland Reibold, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: 803.737.0863
Fax: 803.737.0895
sreibol@regstaff.sc.gov

September 19, 2008
Columbia, South Carolina

ATTACHMENT A

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2001-228-T

September 19, 2008

IN RE: Petition of Office of Regulatory Staff)	AFFIDAVIT OF
for Revocation of a Class C Charter Bus)	Carole Chauvin
Certificate of a Certain Motor Carrier)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as an Administrative Assistant for the Transportation Department.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On September 19, 2008 I examined the business records on file with ORS for Unusual Tours, Inc., a motor carrier that has Class C Charter Bus Certificate No. 0132. My examination revealed that this certificate was granted a suspension by the South Carolina Public Service Commission by Order No. 2006-542 (dated September 27, 2006) until August 28, 2008.
- 7) As a result of my examination and findings, I attest that the suspension date has expired and the following certificate holder has not met the requirements of 26 S.C. Code Regs 103-171 by filing proof of insurance with ORS as of September 19, 2008:

**Unusual Tours, Inc.
4845 Highway 17 Business
Murrells Inlet, S.C. 29576**

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 19th day of September, 20 08

Chrystal Morgan

Notary Public for South Carolina

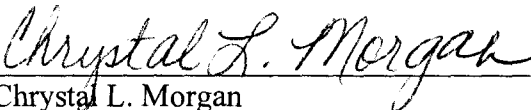
My Commission Expires: 9/22/2014

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-228-T

IN RE:)	
Petition of the Office of Regulatory Staff to)	CERTIFICATE OF
Revoke the Certificate of Public Convenience)	SERVICE
And Necessity of Unusual Tours, Inc.)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **REVISED PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Unusual Tours, Inc.
4845 Highway 17 Business
Murrells Inlet, SC 29576


Chrystal L. Morgan

September 19, 2008
Columbia, South Carolina